

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LEIGH WEEDEN,	)	3:04-CV-0539-LRH (RAM)
	)	
Plaintiff,	)	<u>MINUTES OF THE COURT</u>
	)	
vs.	)	July 11, 2006
	)	
DON H. WASSERMAN, M.D., OF THE	)	
GREAT BASIN SURGICAL CENTER,	)	
LLC, AND HEAD OF ELKO HOSPITAL,	)	
	)	
Defendant.	)	
_____	)	

PRESENT: THE HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

DEPUTY CLERK: GINA MUGNAINI REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Plaintiff has filed two (2) Motions for Appointment of Counsel (Doc. Nos. 52 and 58).

A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). In very limited circumstances, federal courts are empowered to request an attorney to represent an indigent civil litigant. The circumstances in which a court will make such a request, however, are exceedingly rare, and the court will make the request under only extraordinary circumstances. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 799-800 (9th Cir. 1986); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A finding of such exceptional circumstances requires that the court evaluate both the likelihood of success on the merits and the *pro se* litigant's ability to advocate his claims. Neither factor is controlling; both must be viewed together in making the finding. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991), *citing Wilborn, supra*, 789 F.2d at 1331. The district court exercises discretion in making this finding. The court has evaluated Plaintiff's likelihood of success and his ability to advocate this case and finds that extraordinary circumstances do not exist.

///

MINUTES OF THE COURT  
3:04-CV-0539-LRH (RAM)  
July 11, 2006  
Page Two

Plaintiff's Motions for Appointment of Counsel (Doc. Nos. 52 and 58) are **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/  
Deputy Clerk